IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 320 (S/B) 2003

Rajendra Nath Verma
Aged about 54 years,
S/o Late Sri J.N. Verma,
R/o 44 Nandpuri,
Jwalapur, Distt. Haridwar ..... Petitioner

Versus

State of Uttaranchal and others ..... Respondent

Mr. Anil Kumar Joshi, Advocate, for the petitioner.
Sri V.B.S.Negi, Advocate for the respondents.

Coram: Hon. S.H.Kapadia, C.J.
Hon. Rajesh Tandon, J.

Dated: 08.09.2003:

PC:

Rule.

Respondents waive service.

The petitioner is an employee of Uttaranchal Pey-Jal Sansadhan Vikas Evam Nirman Nigam. By the impugned order of transfer dated 11.6.2003, the petitioner has been transferred to Gangolihat unit of Uttaranchal Pey-Jal Sansadhan Vikas Evam Nirman Nigam. This order is under challenge on the ground that the Additional Secretary has no authority to transfer the petitioner. In this case, there is vacancy in the post of Managing Director in Uttaranchal Pey-Jal Sansadhan Vikas Evam Nirman Nigam. The Secretary is out of India. There is no resolution passed by the Nigam authorizing the Additional Secretary to exercise the powers vested in the Managing Director. In the circumstances, the transfer order is without authority.

Mr. Negi, learned counsel for Uttaranchal Pey-Jal Sansadhan Vikas Evam Nirman Nigam states that Nigam will take appropriate steps to rectify the above lacuna within two weeks from today.

The petition is disposed of accordingly. The impugned order of transfer is set aside. However, this order will not prevent the Nigam from putting its house in order.

(Rajesh Tandon, J.) (S.H. Kapadia, C.J.)

AK.